

**ASSEMBLY BILL**

**No. 1459**

**Introduced by Assembly Member Canciamilla**

February 22, 2005

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An act to amend Section 116.220 of the Code of Civil Procedure, relating to small claims court.

LEGISLATIVE COUNSEL'S DIGEST

AB 1459, as introduced, Canciamilla. Small claims court: jurisdiction

Existing law specifies that the jurisdiction of the small claims court includes various actions in which the demand does not exceed \$5,000, with specified exceptions. This jurisdiction also includes defendant guarantors who are required to respond based upon the default, actions, or omissions of another, if the demand does not exceed \$2,500, or \$4,000, in the case of certain guarantors, as specified.

This bill would increase the small claims court jurisdiction over actions for recovery of money, if the amount of the demand does not exceed \$15,000, with specified exceptions. The bill also would increase the jurisdiction of the small claims court over certain other actions if the amount of the demand does not exceed \$10,000.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 116.220 of the Code of Civil Procedure
- 2 is amended to read:
- 3 116.220. (a) The small claims court shall have jurisdiction in
- 4 the following actions:

1 (1) Except as provided in subdivisions (c), (e), and (f), for  
2 recovery of money, if the amount of the demand does not exceed  
3 ~~five fifteen~~ thousand dollars ~~(\$5,000)~~ (\$15,000).

4 (2) Except as provided in subdivisions (c), (e), and (f), to  
5 enforce payment of delinquent unsecured personal property taxes  
6 in an amount not to exceed ~~five ten~~ thousand dollars ~~(\$5,000)~~  
7 (\$10,000), if the legality of the tax is not contested by the  
8 defendant.

9 (3) To issue the writ of possession authorized by Sections  
10 1861.5 and 1861.10 of the Civil Code if the amount of the  
11 demand does not exceed ~~five ten~~ thousand dollars ~~(\$5,000)~~  
12 (\$10,000).

13 (4) To confirm, correct, or vacate a fee arbitration award not  
14 exceeding ~~five ten~~ thousand dollars ~~(\$5,000)~~ (\$10,000) between  
15 an attorney and client that is binding or has become binding, or to  
16 conduct a hearing de novo between an attorney and client after  
17 nonbinding arbitration of a fee dispute involving no more than  
18 ~~five ten~~ thousand dollars ~~(\$5,000)~~ (\$10,000) in controversy,  
19 pursuant to Article 13 (commencing with Section 6200) of  
20 Chapter 4 of Division 3 of the Business and Professions Code.

21 (b) In any action seeking relief authorized by subdivision (a),  
22 the court may grant equitable relief in the form of rescission,  
23 restitution, reformation, and specific performance, in lieu of, or  
24 in addition to, money damages. The court may issue a  
25 conditional judgment. The court shall retain jurisdiction until full  
26 payment and performance of any judgment or order.

27 (c) Notwithstanding subdivision (a), the small claims court  
28 shall have jurisdiction over a defendant guarantor who is required  
29 to respond based upon the default, actions, or omissions of  
30 another, only if the demand does not exceed ~~(1) two thousand~~  
31 ~~five hundred dollars (\$2,500), or (2) on and after January 1,~~  
32 ~~2000, four thousand dollars (\$4,000), if the defendant guarantor~~  
33 ~~charges a fee for its guarantor or surety services or the defendant~~  
34 ~~guarantor is the Registrar of the Contractors' State License Board~~  
35 ~~ten thousand dollars (\$10,000).~~

36 (d) In any case in which the lack of jurisdiction is due solely to  
37 an excess in the amount of the demand, the excess may be  
38 waived, but any waiver shall not become operative until  
39 judgment.

1 (e) Notwithstanding subdivision (a), in any action filed by a  
2 plaintiff incarcerated in a Department of Corrections facility or a  
3 Youth Authority facility, the small claims court shall have  
4 jurisdiction over a defendant only if the plaintiff has alleged in  
5 the complaint that he or she has exhausted his or her  
6 administrative remedies against that department, including  
7 compliance with Sections 905.2 and 905.4 of the Government  
8 Code. The final administrative adjudication or determination of  
9 the plaintiff's administrative claim by the department may be  
10 attached to the complaint at the time of filing in lieu of that  
11 allegation.

12 (f) In any action governed by subdivision (e), if the plaintiff  
13 fails to provide proof of compliance with the requirements of  
14 subdivision (e) at the time of trial, the judicial officer shall, at his  
15 or her discretion, either dismiss the action or continue the action  
16 to give the plaintiff an opportunity to provide such proof.

17 (g) For purposes of this section, "department" includes an  
18 employee of a department against whom a claim has been filed  
19 under this chapter arising out of his or her duties as an employee  
20 of that department.